

The March 26, 2014 meeting of the Walpole Zoning Board of Appeals was held in the Main Meeting Room of Town Hall.

Chairman Susanne Murphy called the meeting to order at 7:00 P.M. with the following members present:

Susanne Murphy, Chairman  
James M. Stanton, Vice Chairman  
Ted C. Case, Member  
James S. DeCelle, Member (left at 8:20p.m.)

Matthew Zuker, Associate Member

**7:00 p.m. – C&J Realty Trust – Case #03-14**

Ms. Murphy read the public hearing notice for **C&J REALTY TRUST, Case #03-14**, with respect to property located at 119 Pleasant Street, East Walpole and shown on the Assessors Map 20 and Lot No. 194, General Residence Zone.

The application is for:

A Special Permit under Section 5-B.1.3.c. of the Zoning Bylaws to allow for the conversion of a single family house into a three-family residence, as specified in Section 3.c., within the building's existing footprint.

Ms. Murphy informed the applicant that while there are five members present this evening, one of the members will not be on the Board come April 1<sup>st</sup>, therefore should this hearing be continued after tonight there will only be a four-member board able to vote on the special permit. Further, with a four-member Board, there can be no negative votes in order for a motion to carry; however, a five-member Board can have one negative vote and four positive votes.

The applicant, Mr. Jack Conroy of C&J Realty Trust, was present and decided to move forward with the hearing. He discussed the request before the Board for a special permit.

Mr. DeCelle asked about the square footage of the property.

Mr. Stanton inquired about paving and public sewer.

Ms. Murphy questioned the applicant about parking on the property.

Ms. Grace Lincoln of 144 Pleasant stated she is opposed to the project and also asked about the square footage and her concern regarding one bathroom.

Ms. Virginia McMullen of 115 Pleasant Street said that she has concerns with traffic and with fire engines responding. She is a 52-year resident and is opposed to this project.

Mr. Mike Cofsky of 29 Burns Avenue expressed his concerns regarding frontage with the non-conforming lot and traffic. He is also opposed to this project.

Ms. Joyce Sheehan of 25 Burns Avenue stated she had concerns regarding screening process for tenants.

Mr. Paul McAndrew of 114 Pleasant Street said he had concerns with traffic and parking.

Mr. Larry Pitman of 44 Rhoades Avenue raised concern regarding tearing down the building and inquired limiting the footprint of the building and limiting the scope of any future plans.

Mr. Jim Govatsos of 144 Pleasant Street opposes the change of a single-family to three-family residence because of traffic concerns, increased cars and school kids at bus stop.

Mr. Mike Magane of 135 Pleasant Street is opposed to the project because it is a single-family neighborhood. He has concerns regarding parking and density.

Mr. Conroy responded that relative to parking they own the driveway and allow neighbors to park there. Multi-family is allowed through a special permit for use.

Ms. Murphy read comment letters into the record from the Conservation Commission, Board of Health, Planning Board, and the Police, Fire, and Engineering Departments. Ms. Murphy highlighted two comments from the Town Engineer: 1.) six parking space are needed and should be shown on the plan, and 2.) the submitted GIS plan shows a rear building, but it is “x-ed” out. The status of this building should be state, i.e. non-existing at this point, to be removed, etc.

Mr. Stanton asked about any plans to convert to condos.

Mr. Conroy replied that there are no plans for condos as they intend to retain ownership.

Ms. Lincoln of 144 Pleasant Street asked if the applicant intends to have a dumpster and about trash pickup.

Ms. Alice Hanswary inquired about the cars backing out onto Pleasant Street.

Mr. Conroy responded that there will be no dumpster as it would attract problems if there was one. There should be no problems with cars entering or exiting the driveway.

Mr. Stanton needs to see the 30,000 SF per plan requirements and parking needs to be shown on the plan as required.

Mr. Zuker agreed that he needs to see it meets the parking requirement as indicated in the Town Engineer’s comment letter.

Mr. DeCelle said that the site plan needs to meet the requirements for plan submission.

A motion was made by Ms. Murphy, seconded by Mr. Stanton, to continue the hearing to April 30, 2014 at 8:00 p.m.

The vote was **5-0-0 in favor**. (Murphy, Stanton, Case, DeCelle, Zuker voting)

**7:30 p.m. – Rockland Federal Credit Union – Case #04-14**

Ms. Murphy recused herself from the public hearing.

Mr. Stanton read the public hearing notice for **ROCKLAND FEDERAL CREDIT UNION, Case #04-14**, with respect to property located at 564 Main Street, Walpole and shown on the Assessors Map 18 and Lot No. 219, Business Zone.

The application is for:

A Special Permit under Section 5-B.1.4.q.ii of the Zoning Bylaws to allow a drive-through for a proposed bank at 564 Main Street, as specified in Section 4.q.ii.

Mr. Stanton informed the applicant's engineer that Ms. Murphy has recused herself from this hearing and while four members remain to hear the case, one of the members will not be on the Board come April 1<sup>st</sup>, therefore should this hearing be continued after tonight, there will only be a three-member board which cannot act on the special permit. Further, with a four-member Board, there can be no negative votes in order for a motion to carry; however, a five-member Board can have one negative vote and four positive votes.

The applicant's engineer, Mr. Dan Merriken of Merriken Engineering, was present and submitted a request to continue the hearing without testimony.

A motion was made by Mr. Stanton, seconded by Mr. Zuker, to continue the hearing without testimony to April 16, 2014 at 7:00 p.m.

The vote was **4-0-0 in favor**. (Stanton, Case, DeCelle, Zuker voting)

**8:00 p.m. – James L. Diamond, Jr. – Case #05-14**

Ms. Murphy read the public hearing notice for **JAMES L. DIAMOND, JR., Case #05-14**, with respect to property located at 759 Cedar Street, Walpole and shown on the Assessors Map 39 and Lot No. 19, Residence A Zone.

The application is for:

A Special Permit under Section 9.4A of the Zoning Bylaws to allow an addition onto an existing non-conforming structure and A Variance under Section 6-B.1 of the Zoning Bylaws to allow for a 10ft sideyard setback where a 20ft minimum sideyard setback is required, as specified in Section 6-B.1.

Ms. Murphy informed the applicant that while there are five members present this evening, one of the members will not be on the Board come April 1<sup>st</sup>, therefore should this hearing be continued after tonight there will only be a four-member board able to vote on the special permit. Further, with a four-member Board, there can be no negative votes in order for a motion to carry; however, a five-member Board can have one negative vote and four positive votes.

The applicant, Mr. James Diamond, was present and decided to move forward with the hearing. He discussed the request before the Board for a special permit. He stated that the addition is being proposed onto the back of the original house as he needed the additional space and is going up.

Ms. Murphy read comment letters from the various Boards and Departments into the record. She particularly referenced the memorandum from the Town Engineer requesting dimensions be verified on the site plan.

Mr. DeCelle asked who added the red markings on the plan.

Mr. Diamond responded that the architect did.

Mr. Decelle stated that the plan is no good and not acceptable. It shouldn't be added to an as-built plan. You need to have a plan done by a surveyor who will confirm dimensions.

Ms. Murphy agreed that a new plan is needed for the submission.

Mr. Zuker asked that the plan it should note what the current sideyard setback is and what it will be.

Mr. DeCelle asked about the septic system.

Mr. Diamond responded that the Board of Health has given their approval of the plan.

Mr. Stanton said that the applicant can withdraw their application without prejudice and start over or continue forward with the four-member board.

Mr. Diamond said that he would move forward with the four-member board.

A motion was made by Ms. Murphy, seconded by Mr. Zuker, to continue the hearing to April 16, 2014 at 7:30 p.m.

The vote was **5-0-0 in favor**. (Murphy, Stanton, Case, DeCelle, Zuker voting)

Mr. DeCelle left the meeting at 8:20p.m.

As there was some time before the next hearing at 8:30p.m., Ms. Murphy asked if members had any comments on the draft minutes for the meetings of October 23, 2013, November 6, 2013, and December 11, 2013, previously distributed to the Board. There were no comments or edits presented.

A motion was made by Ms. Murphy, seconded by Mr. Zuker, to approve the minutes for the October 23, 2013 meeting as written.

The vote was **4-0-0 in favor**. (Murphy, Stanton, Case, Zuker voting)

A motion was made by Ms. Murphy, seconded by Mr. Zuker, to approve the minutes for the November 6, 2013 meeting as written.

The vote was **4-0-0 in favor**. (Murphy, Stanton, Case, Zuker voting)

A motion was made by Ms. Murphy, seconded by Mr. Zuker, to approve the minutes for the December 11, 2013 meeting as written.

The vote was **4-0-0 in favor**. (Murphy, Stanton, Case, Zuker voting)

**8:30 p.m. – Michael P. and Bridget Servatius – Case #02-14 (cont'd without testimony from 3/5/14) (Murphy, Stanton, Case, DeCelle, Zuker)**

Ms. Murphy read the public hearing notice for **MICHAEL P. AND BRIDGET SERVATIUS, Case #02-14**, with respect to property located at 2 Mikayla's Way, Walpole and shown on the Assessors Map 27 and Lot No. 252-1 Lot 2, Residence B Zone.

The application is for:

An Appeal from action taken by Building Inspector, Jack Mee, with respect to Building Permit issued on 4/16/2013 and amended on 12/16/13, Building Permit #BP-2013-0102, to permit multi-family dwelling in Residence B Zone. Use not allowed. Property does not meet requirements of c.40A, Section 3; Site Plan Review required.

Ms. Murphy informed the applicant that there are only four members present and the petitioner is entitled to a five-member Board. In addition, one of the members will not be on the Board come April 1<sup>st</sup>. This hearing can be postponed until a five-member Board is present. Further, with a four-member Board, there can be no negative votes in order for a motion to carry; however, a five-member Board can have one negative vote and four positive votes.

Mr. Servatius would like a five-member Board present to hear his appeal.

Mr. Rockwood, attorney for the developer of the property involved, urged the Board to move forward tonight and referenced a letter he submitted to the Board.

Mr. Servatius said he reviewed the statute and disagrees with Mr. Rockwood. He adamantly insisted for a five-member board and his right to due process.

Mr. Zuker agreed that should the hearing be continued because after this evening only a three member board would be present.

Mr. Stanton stated his opposition to delaying the hearing and would like to move forward this evening.

A motion was made by Ms. Murphy, seconded by Mr. Stanton, to continue the hearing without testimony to April 30, 2014 at 8:30 p.m.

The vote was **3-1-0 in favor**. (Murphy, Case, and Zuker voting in favor; Stanton voting in opposition)

**9:00 p.m. – Lot 5A – Route 1 Realty Trust – Case #01-14 (cont'd without testimony from 3/5/14) (Stanton, Case, DeCelle, Zuker)**

Ms. Murphy recused herself from the public hearing.

Mr. Stanton read the public hearing notice for **LOT 5A – ROUTE 1 REALTY TRUST, Case #01-14**, with respect to property located at 555 Boston-Providence Highway (Route 1), Walpole and shown on the Assessors Map 36 and Lot Nos. 20-2 and 20-3, Highway Business Zone.

The application is for:

A Special Permit under Section 5-B.1.4.n of the Zoning Bylaws to allow certain service establishments dealing directly with the consumer, as specified in Section 4.n within the existing building at 555 Boston-Providence Highway, which is currently under construction.

Mr. Stanton informed the applicant's engineer that Ms. Murphy has recused herself from this hearing and while four members remain to hear the case, one of the members will not be on the Board come April 1<sup>st</sup>, therefore should this hearing be continued after tonight, there will only be a three-member board which cannot act on the special permit. Further, with a four-member Board, there can be no negative votes in order for a motion to carry; however, a five-member Board can have one negative vote and four positive votes.

The applicant's engineer, Mr. Dan Merriken of Merriken Engineering, was present and submitted a request to continue the hearing without testimony.

A motion was made by Mr. Stanton, seconded by Mr. Zuker, to continue the hearing without testimony to April 16, 2014 at 8:00 p.m.

The vote was **3-0-0 in favor**. (Stanton, Case, Zuker voting)

A motion was made by Ms. Murphy, seconded by Mr. Stanton, to adjourn the meeting at 9:02p.m.

The vote was **4-0-0 in favor**. (Murphy, Stanton, Case, Zuker voting)

Craig W. Hiltz  
Clerk

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Minutes were approved on June 25, 2014.